

NINETY-SEVENTH LEGISLATURE

THIRD SPECIAL SESSION

LEGISLATIVE RESOLUTION 3CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Beutler, 28

Read first time November 7, 2002

Committee: Judiciary

1 THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF
2 NEBRASKA, THIRD SPECIAL SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2004 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:

7 To amend Article IV, section 13:

8 IV-13 "(1) The Legislature shall provide by law for the
9 establishment of a Board of Parole and the qualifications of its
10 members. ~~Said~~ The board, or a majority thereof, shall have power
11 to grant paroles after conviction and judgment, under such
12 conditions as may be prescribed by law, for any offenses committed
13 against the criminal laws of this state except treason and cases of
14 impeachment.

15 (2) The Governor, Attorney General, and Secretary of
16 State, sitting as a board, shall have power to remit fines and
17 forfeitures and to grant respites, reprieves, pardons, or

1 commutations in all cases of conviction for offenses against the
2 laws of the state, except treason and cases of impeachment. The
3 board shall not pardon or commute the sentence of an offender
4 sentenced to life imprisonment without parole unless the board is
5 unanimous in its decision to pardon or commute and either (a) the
6 offender is elderly, permanently infirm, or permanently disabled
7 and the offender poses no threat to the public safety or (b) based
8 on newly discovered evidence presented to the board, a reasonable
9 doubt as to the offender's guilt is created. The Board of Parole
10 may advise the Governor, Attorney General, and Secretary of State
11 on the merits of any application for remission, respite, reprieve,
12 pardon, or commutation, but such advice shall not be binding on
13 them.

14 (4) The Governor shall have power to suspend the
15 execution of the sentence imposed for treason until the case can be
16 reported to the Legislature at its next session, when the
17 Legislature shall either grant a pardon, or commute the sentence or
18 direct the execution, or grant a further reprieve."

19 Sec. 2. The proposed amendment shall be submitted to the
20 electors in the manner prescribed by the Constitution of Nebraska,
21 Article XVI, section 1, with the following ballot language:

22 "A constitutional amendment to place restrictions on the
23 power of the board of pardons in commuting a sentence of
24 life imprisonment without parole or pardoning an offender
25 sentenced to life imprisonment without parole.

26 For

27 Against".